

AMENDMENTS TO THE DRAWINGS

The attached sheets include changes to Fig. 1A-Fig. 1E. These sheets, which include Fig. 1A-Fig. 1E, replace the original sheets including Fig. 1A-Fig. 1E. Fig. 1A-Fig. 1E have been amended to include reference to the appropriate sequence identifiers.

Attachment: Replacement Sheets
Annotated Sheets Showing Changes

*REMARKS/ARGUMENTS**The Pending Claims*

Upon entry of this amendment, claims 1-5, 8-26, and 32-35 will be pending. Claims 13-18 have been withdrawn in response to a restriction requirement. Therefore, claims 1-5, 8-12, 19-26, and 32-35 are subject to examination.

The Amendments to the Specification, Claims, and Abstract

The specification has been amended to insert sequence identifiers where appropriate. The sequence identifiers were included in the sequence listing that was filed with the application.

The claims have been amended to point out more particularly and claim more distinctly the present invention. Specifically, claim 1 has been amended such that it recites positive method steps rather than a "use." The dependent claims have been amended to reflect this change. Claims 12-15 have been amended to refer to the sequence identifiers that correspond to the CHOP-1 and CHOP-2 proteins. Claims 20 and 33 have been amended to correct matters of form. Claims 3, 21, and 26 have been amended to refer to sodium and calcium, as supported by the specification at, e.g., page 17, line 32 – page 18, line 2. Claims 32-35 are new. Claim 32 corresponds to subject matter that has been deleted from claim 23. Claims 33 and 34 correspond to subject matter that has been deleted from claim 24. Claim 35 is supported by the specification at, e.g., page 13, lines 1-7.

The abstract has been amended to more accurately reflect the claimed subject matter.

The Examiner is requested to approve the accompanying replacement drawings. Fig. 1A-Fig. 1E have been amended to include reference to sequence identifiers, which correspond to sequences that were filed with the sequence listing on October 8, 2004.

Accordingly, no new matter has been added by way of these amendments.

The Office Action

The specification and claims allegedly do not comply with the sequence requirements of 37 C.F.R. §§ 1.821-1.825 and M.P.E.P. § 2422.03. In addition, the specification is objected to under 37 C.F.R. § 1.71 as being incomprehensible and unsearchable.

Claims 1-5, 8-12, and 19-31 are rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite and under 35 U.S.C. § 101 for allegedly being improper process claims.

Reconsideration of these objections and rejections is requested herein.

Discussion of Sequence Compliance, Specification Objections, and Claim Objections

The present application allegedly does not comply with the sequence requirements of 37 C.F.R. §§ 1.821-1.825. In particular, the present application does not provide sequence identifiers which correspond to the sequences disclosed in Figures 1A, 1B, 1C, and 1E, and in claim 8. Claim 12 is objected to for containing an improper sequence identifier. Moreover, the specification is objected to for containing improper sequence identifiers, and sequence identifiers which conflict with those in the sequence listing.

Applicants have amended the specification to include proper reference to the sequence identifiers employed in the sequence listing that was filed with the present application. Specifically, Fig. 1A corresponds to SEQ ID NO: 1, Fig. 1B corresponds to SEQ ID NO: 2, and Fig. 1C corresponds to SEQ ID NO: 3. Fig. 1D includes SEQ ID NO: 1, SEQ ID NO: 2, and SEQ ID NO: 3. Fe. 1E corresponds to SEQ ID NO: 4. The drawings also have been amended to include references to these sequence identifiers. In addition, the sequence listing identifies the amino acid sequence of CHOP-1 as "AF461397." Applicants note that the CHOP-1 amino acid sequence is represented by NCBI accession no. AF385748, as disclosed in the specification. Thus, the sequence listing contains a clerical error. Nonetheless, a substitute sequence listing is being submitted herewith which no longer contains NCBI accession numbers. Claim 12 has been amended to include a proper sequence identifier.

In view of the foregoing amendments and comments, Applicants respectfully submit that the present application complies with the sequence requirements of 37 C.F.R. §§ 1.821-1.825 and request the withdrawal of the objections to the claims and specification.

Discussion of Rejection under 35 U.S.C. §§ 112 and 101

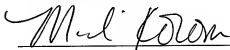
Claims 1-5, 8-12, and 19-31 are rejected under Section 112, second paragraph, and Section 101. In particular, because the rejected claims lack active method steps, the claims allegedly are unclear and do not define patentable subject matter under Section 101.

The pending claims have been amended to recite positive, active method steps, thereby rendering moot the rejections under Sections 112 and 101.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned agent.

Respectfully submitted,



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Date: February 14, 2008